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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,741	08/08/2001	Mark D. Scaman	10010165-1	2927

7590 04/07/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/924,741	<b>Applicant(s)</b> SEAMAN ET AL.	
	<b>Examiner</b> Haythim J. Alaubaidi	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/22/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This communication is a first Non-Final Office Action in response to Application No. 09/924741 filed on August 08, 2001.
2. Claims 1-14 were presented for examination, of which Claim 1, 8 and 13 are Independent.
3. Claims 1-14 are rejected under 35 U.S.C. 103(a).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher Simmonds (U.S. Patent No. 5,893,116 and Simmonds hereinafter) in view of Patrick T. Falls (U.S. Patent No. 5,950,198 and Falls hereinafter).

Regarding Claims 1, 2, 4, 8 and 11-12, Simmonds discloses:

determining whether any captured data sets (replicas 120 of Figure 1, located on the computer [Col 12, Lines 39-42]) and stored data sets (network resources located on

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the server 120 of Figure 1, [Col 12, Lines 39-42]) having the same first attribute<sup>1</sup> have the same second and third data attributes (Col 12, Lines 39-67)<sup>2</sup>; and

deleting captured data sets (Col 13, Lines 66-67, i.e. "the resource has been deleted from both the client computer and the server") and data sets with similar attributes (second and third) (Col 13, Lines 63-65, i.e. the state of the replica 120 and the network resource 106 are identical).

Simmonds discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the step of determining whether any set of the captured data and set of the stored data have the same first data attribute<sup>3</sup>. However, Falls teaches determining whether any set of the captured data (Falls, Figure No. 2, Element No. 22) and set of the stored data (Falls, Figure No. 2, Element No. 24) have the same first data attribute (wherein data attribute is a non-calculated data attribute which is a size attribute) (Col 6, Lines 51-54; see also Col 7, Lines 7-10, i.e. size attribute; see also Abstract and Figure No. 5 and corresponding text). Given the intended broad application of Simmonds system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Simmonds with the teachings of Falls by adding the feature of comparing record using the file size as an attribute since changing or modifying a file would lead to a change in the file's

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<sup>1</sup> Please note that "data attribute" are being referred to by Simmonds as "state", wherein "state" is or could be the file size, time stamp or access rights, ...etc, (please see Simmonds, Col 12, Lines 40-46).

<sup>2</sup> Please note that examples of second and third data attribute can be found in Simmonds, Col 12, Lines 40-46, such as "time stamp" and "access rights".

<sup>3</sup> Please note that the Examiner is interpreting the "first data attribute" in accordance to the Specification of the current Application and in accordance with the further limiting Claims No. 2 and 6.

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size between the modified file and the original file stored on the database, also synchronizing files with large size data would lead to maximizing the data storage on the portable device where storage is limited comparing to the master database or the server.

Regarding Claims 3, 5-7 and 9-10 Falls discloses calculated attribute is checksum (Col 6, Lines 51-54; see also Col 7, Lines 7-10, i.e. size attribute).

6. Claims 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher Simmonds (U.S. Patent No. 5,893,116 and Simmonds hereinafter) in view of Patrick T. Falls (U.S. Patent No. 5,950,198 and Falls hereinafter) and further in view of the Examiner's Official Notice.

Regarding Claim 13, the limitations of this claim are similar to the rejected limitations of Claims 1 and 8 above, except the combination of both Simmonds and Falls does not disclose a camera, however the Examiner takes Official Notice that cameras are well known at the time of the Applicant's invention. Given the intended broad application of the combination of both Simmonds and Falls, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of both Simmonds and Falls to substitute the mobile computer (see Simmonds Abstract, i.e. "mobile computer") with a camera as disclosed by the Applicant, as both are portable computers with memory storage capabilities and both can be synchronized with a master database or a server in order to clear the memory

and make more space for new data since the mobile devices such as the camera are known to have limited storage capacity.

Regarding Claim 14, Simmonds discloses transferring all sets of captured data from the mobile computer (camera) to the storage medium (Col 5, Lines 28-40) prior to the comparison step (synchronizing) (Col 5, Lines 41-55).

#### ***Other Prior Art Made of Record***

7. a. Boyle et al. (U.S. Patent Application Publication No. 20010041021) discloses a system and method for synchronization of image data between a handheld device and a computer;

b. Midgley et al. (U.S. Patent No. 6847984) discloses a systems and methods for backing up data files;

c. Saether et al. (U.S. Patent No. 6405219) discloses a method and system for automatically updating the version of a set of files stored on content servers; and

d. Huang et al. (U.S. Patent No. 5966714) discloses and apparatus for scaling large electronic mail databases for devices with limited storage.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

9.

***Points of Contact***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

*Haythim J. Alaubaidi*

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Patent Examiner  
Technology Center 2100  
Art Unit 2161  
March 28, 2005

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**